

## Committee Amendment No. 1.

Amend H. B. No. 150, page 4, line 19, by striking out all of said line after the word "States," and all of lines 20 and 21, and all of line 22 including the figures "1875," and insert the following: "and to widows who have not heretofore received a pension and who were married to such soldiers prior to January 1st, 1912."

## Committee Amendment No. 2.

Amend H. B. No. 150, Section amending Article 6205, by striking out the word "ten" and figure "10" wherever the same occurs in this paragraph, and insert in lieu thereof the word "five" and the figure "5."

## Committee Amendment No. 3.

Amend H. B. No. 150, page 4, line 9, by striking out the figures "1921" and insert in lieu thereof the figures "1912."

## Committee Amendment No. 4.

Amend H. B. No. 150, page 7, Section amending Article 6208, by striking out the following, beginning in line 1 and ending in line 4: "Applicants who meet with all other requirements necessary and whose tax valuations in this State or any other State do not exceed Three Thousand (\$3,000.00) Dollars shall be eligible to this pension.", and also by striking out the following provisions beginning with the word "canceled" in line 16 to-wit:

"No person owning property of the taxable value of more than Three Thousand (\$3,000.00) Dollars at the time of their application for such pension, or thereafter acquired, shall be entitled to a pension under the provisions of this Act, and if at the time, the Comptroller shall determine that any pensioner on the roll is possessed of property of the taxable value of more than Three Thousand (\$3,000.00), such payments shall be discontinued and said application canceled."

Committee Room,

Austin, Texas, May 1, 1931.

Hon. Edgar E. Witt, President of the Senate.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil

Jurisprudence, to whom was referred H. B. No. 406, A bill to be entitled "An Act to amend Article 5924 Revised Statutes, 1925, relating to assumed names, making it unlawful for an individual to use a corporate name, imposing other conditions upon the use of assumed names and providing a penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

## SIXTY-FOURTH DAY.

Senate Chamber,

Austin, Texas,

May 2, 1931.

The Senate met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Woodruff.
Loy.	Woodul.
Martin.	Woodward.
Moore.	Neal.

Absent—Excused.

Patton.  
Pollard.

Williamson.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

## Petitions and Memorials.

(See Appendix.)

## Committee Reports.

(See Appendix.)

**Bills and Resolutions.**

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the introduction of general bills during the last 90 days of the session was suspended and consent was granted to introduce the following bills:

By Senator Parrish:

S. B. No. 615, A bill to be entitled "An Act to give consent of the Legislature to Mrs. Claudie Eubanks and others to sue the State of Texas and/or Highway Commission for damages resulting in the death of Fletcher S. Eubanks; providing the means and manner thereof; prescribing venue; and declaring an emergency."

Read and referred to the Committee on State Affairs.

By Senators Gainer, Purl:

S. B. No. 616, A bill to be entitled "An Act giving the consent of the Legislature to Allen Smith, his heirs and assigns, to sue the State of Texas and/or Highway Commission for damages; providing the means and manner thereof, and venue; and declaring an emergency."

Read and referred to the Committee on State Affairs.

**Senators Excused.**

The following Senators were excused for the day, on account of important business.

Senator Williamson, on motion of Senator Rawlings.

Senator Patton, on motion of Senator Woodul.

**Free Conference Report.**

Senator Woodward sent up the following Free Conference Committee Report:

Committee Room,

Austin, Texas, May 1, 1931.

Hon. Edgar E. Witt, President of the Senate.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sirs: We, your free conference committee, appointed to consider and adjust the differences between

the Senate and House, House Bill No. 625, have met and carefully considered the bill, with Senate amendments, and beg leave to report the following:

By Burns of H. B. No. 625.  
McCullough.

**A BILL****To Be Entitled**

An Act amending Section 56, Acts of the Fifth Called Session of the 41st Legislature, requiring a trapper's license; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 56, of the Acts of the 5th Called Session of the 41st Legislature, relating to and providing for licensing of trappers, be and the same is hereby amended to read as follows:

"Any person over the age of seventeen years who takes or attempts to take the pelt or pelts of any of the fur-bearing animals of this State for the purpose of barter or sale, except persons who take the pelt or pelts of fur-bearing animals from their own land, or land on which such persons reside, before doing so, shall procure a trapper's license. If the trapper has been a resident of this State for twelve (12) months before applying for such license, he shall pay for such license the sum of One Dollar (\$1.10) and Ten (10) Cents of which shall be retained by the officer issuing the license. If he has not been a resident of this State for twelve (12) months prior to applying for such license, he shall pay for a non-resident trapper's license the sum of Twenty-five (\$25.00) Dollars. Such license shall be issued by the Game, Fish and Oyster Commission and shall be available on and after September 1st of each year, and shall expire August 31st of the following year. All trapper's licenses shall have blanks for the name of the trapper, his place of residence, age, height, weight, color of eyes and color of hair."

Sec. 2. The fact that the existing law deprives many people of the inherit right to use their own land as they see fit, creates an emergency and an imperative public necessity that the Constitutional Rule requiring all bills to be read in each House on three several days, be, and the

same is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

Respectfully submitted,  
WOODRUFF,  
HORNSBY,  
BERKELEY,  
SMALL,  
WOODWARD,

On the part of the Senate.

I. J. BURNS,  
McDOUGALD,  
STEVENSON,  
MOORE,  
LASSATER,

On the part of the House.

Read and adopted by the following vote:

Yeas—28.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.

Absent—Excused.

Patton.	Williamson.
Pollard.	

#### Motion to Reconsider.

Senator Stevenson called up the motion spread on the Journal to reconsider the vote by which S. B. No. 18 failed to pass to engrossment. The motion prevailed.

On motion of Senator Stevenson, the bill was laid on the table subject to call.

#### H. J. R. No. 5.

The Chair laid before the Senate by unanimous consent the following resolution:

H. J. R. No. 5, Proposing an amendment of Section 7, Article II of the Constitution of the State of Texas, authorizing counties and cities bordering on the coast of the Gulf of Mexico by a vote of two-thirds of the qualified property tax-paying voters therein voting to levy and collect such tax for construction

of sea walls, break-waters or sanitary purposes as authorized by law and authorizing the creation of a debt for such works and the issuance of bonds in evidence thereof and providing for submission of same to the qualified electors of this State at an election to be held on July 25, A. D. 1931, and providing the necessary proclamation and appropriation to defray the expenses of the proclamation, publication and election.

Read second time and passed by the following vote:

Yeas—28.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.

Absent—Excused.

Patton.	Williamson.
Pollard.	

#### S. J. R. No. 9.

The Chair laid before the Senate on its third reading the following resolution:

By Senators Woodul and Neal:

S. J. R. No. 9, Proposing an amendment to Section 5, of Article 4 of the Constitution of the State of Texas fixing the salary of the Governor; providing for its submission to the voters of the State of Texas and required by the Constitution, and making appropriation therefor.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Hopkins.
Berkeley.	Hornsby.
Cousins.	Loy.
Cunningham.	Martin.
DeBerry.	Moore.
Gainer.	Neal.
Greer.	Oneal.
Hardin.	Parr.
Holbrook.	Parrish.

Poage.	Stevenson.
Purl.	Thomason.
Rawlings.	Woodruff.
Russek.	Woodul.
Small.	Woodward.

Absent—Excused.

Patton.	Williamson.
Pollard.	

**Mr. and Mrs. King Introduced.**

The Chair introduced Mr. John King, managing editor of the Dallas News, and Mrs. King.

**S. J. R. No. 20.**

The Chair laid before the Senate on its third reading the following resolution:

By Senator Cunningham:

S. J. R. No. 20, Proposing an amendment to the Constitution of Texas providing for the creation of Rural Electric Light and Power and Gas Districts, for the purpose of enabling residents of said districts to provide themselves with facilities for the distribution to all residents thereof of natural or artificial gas and electric light and power, or either, and enabling such districts to enter into contracts with any person, firm or corporation for supplying or distributing such utilities or for both such supply and distribution; and providing for an election, etc."

Read third time and failed to finally pass by the following vote:

Yeas—15.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Poage.
Gainer.	Rawlings.
Greer.	Thomason.
Hardin.	Woodul.
Loy.	Woodward.
Oneal.	

Nays—6.

Holbrook.	Moore.
Hornsby.	Small.
Martin.	Stevenson.

Absent.

Cousins.	Purl.
DeBerry.	Russek.
Hopkins.	Woodruff.
Neal.	

Absent—Excused.

Patton.	Williamson.
Pollard.	

(21 votes required.)

**House Bill No. 48.**

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 48, A bill to be entitled "An Act amending Article 2956 of the Revised Civil Statutes of Texas of 1925, and repealing all laws in conflict; said amended article relating to suffrage and providing who may exercise the privilege of voting an absentee ballot, and prescribing the conditions under which said voting shall be conducted, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 48 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.

Absent—Excused.

Patton.	Williamson.
Pollard.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.

Absent—Excused.

Patton. Williamson.  
Pollard.

**Senate Bill No. 203.**

Senator Neal called up from the table the following bill:

By Senators Neal and Berkeley:

S. B. No. 203, A bill to be entitled "An Act more adequately providing for State parks, providing a means by which the State Parks Board may earn revenue in concessions and concession contracting; enacting provisions and providing all things necessary and incidental to said subject and purpose; making an appropriation to carry out the purpose of this Act and the laws of this State in reference to State parks and the State Parks Board; and declaring an emergency."

The pending amendment to the committee amendment was adopted. The committee amendment was adopted.

Senator Oneal sent up the following amendment:

Amend Senate Bill No. 203 by adding after the word "feasible" in the fourth line of Section 1 the following:

"Provided that the State Park Board shall never have authority to create a concession or to make a concession contract for any purpose that will give a vested right in any concession or concession contract to any person or corporation, but shall provide in every such concession or concession contract that the same is revocable by the State Board or the State of Texas, and any concession contract not containing said provision shall be absolutely void."

ONEAL.

The amendment was read.

Senator Neal moved to table the amendment. The motion prevailed.

The bill was passed to engrossment.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 203 was put on its third reading and final passage by the following vote:

Yeas—23.

Beck. Cousins.  
Berkeley. Cunningham.

Gainer. Oneal.  
Greer. Parr.  
Hardin. Parrish.  
Holbrook. Poage.  
Hopkins. Small.  
Hornsby. Stevenson.  
Loy. Woodruff.  
Martin. Woodul.  
Moore. Woodward.  
Neal.

Nays—1.

Rawlings.

Absent.

DeBerry. Russek.  
Purl. Thomason.

Absent—Excused.

Patton. Williamson.  
Pollard.

Read third time and finally passed by the following vote:

Yeas—21.

Beck. Moore.  
Berkeley. Neal.  
Cunningham. Parr.  
Gainer. Parrish.  
Greer. Small.  
Hardin. Stevenson.  
Holbrook. Thomason.  
Hopkins. Woodruff.  
Hornsby. Woodul.  
Loy. Woodward.

Nays—3.

Oneal. Rawlings.  
Poage.

Absent.

Cousins. Purl.  
DeBerry. Russek.

Absent—Excused.

Patton. Williamson.  
Pollard.

**Senate Bill No. 93.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Woodward:

S. B. No. 93, A bill to be entitled "An Act amending Article 7471 of the Revised Civil Statutes of Texas of 1925 so as to provide that in the appropriation of public waters as defined in Article 7467 of the Revised Civil Statutes of 1925, all rights conferred by, through or in the appropriation of such waters for hydro-

electric power purposes, shall hereafter be subordinate to and shall remain subordinate to the rights of the State to grant allotments and appropriations thereof for the use of such waters for municipal and domestic purposes (to include animal life comprising food supplies); irrigation purposes and manufacturing and processing purposes (to include mining and similar uses other than the development of hydro-electric power) any law to the contrary notwithstanding; etc."

Read second time.

Senator Woodward sent up the following substitute for the original bill:

By Woodward. S. S. B. No. 93.

A BILL  
To Be Entitled

An Act amending Article 7471 of the Revised Civil Statutes of Texas of 1925 so as to provide for the uses and priorities of uses for which appropriations of public water may be granted; amending Article 7472 of the Revised Civil Statutes of Texas of 1925, to provide that appropriations for domestic and municipal uses shall be and remain prior to all other uses and all other appropriations, and that the appropriations for other purposes shall be granted subject to the right of any city, town or municipality to make further appropriations of said waters thereafter without the necessity of condemnation or payment therefor for domestic and municipal purposes; providing that all of political sub-divisions of the State and constitutional Governmental agencies exercising delegated legislative powers shall have the right of eminent domain to condemn for domestic and municipal uses, manufacturing and for irrigation as against any inferior use; declaring the policy of the State to the use of public waters; exempting any stream which constitutes the international boundary between the United States and the Republic of Mexico from the operation of this Act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 7471 of the Revised Civil Statutes of the State of Texas of 1925, is hereby amended

and as amended shall hereafter read as follows:

Article 7471. In the conservation and utilization of water declared the property of the State, the public welfare requires not only the recognition of uses beneficial to the public well being, but requires as a constructive public policy, a declaration of priorities in the allotment and appropriation thereof; and it is hereby declared to the public policy of the state and essential to the public welfare and for the benefit of the people that in the allotment and appropriation of the waters defined in Article 7467, of the Revised Civil Statutes of Texas of 1925, preference and priority be given to the following uses in the order named, to-wit:

1. Domestic and Municipal uses, including water for sustaining human life and the life of domestic animals.

2. Water to be used in processes designed to convert materials of a lower order of value into forms having greater usability and commercial value, and to include water necessary for the development of electric power by means other than hydro-electric.

3. Irrigation.

4. Mining and recovery of minerals.

5. Hydro-electric power.

6. Navigation.

7. Recreation and pleasure.

Sec. 2. Article 7472 of the Revised Civil Statutes of the State of Texas of 1925 is hereby amended so as to hereafter read as follows:

Article 7472. As between appropriators, the first in time is the first in right, provided, however, that all appropriations or allotments of water hereafter made for hydro-electric power, irrigation, manufacturing, mining, navigation, or any other purposes than domestic or municipal purposes, shall be granted subject to the right of any city, town or municipality of this State to make further appropriations of said water thereafter without the necessity of condemnation or paying therefor, for domestic and municipal purposes as herein defined in paragraph numbered "1" of Art. 7471 as herein amended any law to the contrary notwithstanding.

Sec. 3. The right to take waters

necessary for domestic and municipal supply purposes is primary and fundamental, and the right to recover from other uses, waters essential to and unquestioned in the policy of the such purposes shall be paramount State, and in the manner constitutional and statutory authority provide. All political sub-divisions of the State, and constitutional governmental agencies exercising delegated legislative powers, are recognized to have the right of eminent domain, to be exercised as permitted by law for uses domestic and municipal and manufacturing, for authorized purposes, including the irrigation of lands for all requirements of agricultural employment.

Sec. 4. In the administration of laws provided for the maximum judicious employment of the state waters in the public interest, it shall be the duty of the State Board of Water Engineers, or other administrative agency designated for the service by the State, to conserve this natural resource in the greatest practicable measure for the public welfare; and recognized the statutory precedent established for granting the privilege to take and utilize the waters of the State for uses recognized and authorized, it shall be the duty of the State Board of Water Engineers or other agency of the State designated for the purpose to observe the rule that as between applicants for rights to use the waters of the state, preference be given not only in the order of preferential uses declared, but that preference also be given those applications the purposes for which contemplate and will effectuate the maximum utilization of waters and are designed and calculated to prevent the escape of waters without contribution to a beneficial public service.

Sec. 5. It shall be the purpose and policy of the State and of the enactments in accord therewith, in effecting the greatest beneficial utilization of waters of the State, to cause to be made all surveys essential to disclose the measure and potential availability of the water resources of the State to uses recognized; and to ascertain from necessary investigation the character of the principal requirements of the district regional division of the watershed areas of the State for the uses

herein authorized, to the end that distribution of the right to take and use the waters of the State may be the more equitably administered in the public interest, and privileges granted for the uses recognized may be economically co-ordinated, achieving the maximum of public value from this resource; and recognizing alike the distinct regional necessities for water control and conservation, and for control of harmful floods.

Sec. 6. The provisions of Section 2 of this Act shall not apply to any stream which constitutes or defines the international border or boundary between the United States of America and the Republic of Mexico.

Sec. 7. Any law or laws or part or parts thereof in conflict with the express provisions or the express purposes of this Act shall be held no force or effect and shall be in all things held to have been repealed.

Sec. 8. If any part or parts of this Act shall be held in contravention of the Constitution, such ineffective part or parts thereof shall not be held to affect other parts in such provisions.

Sec. 9. Whereas, the conservation, control, storing preservation and distribution of the ordinary flow, underflow, storm and flood waters of the rivers and streams in Texas for state, municipal, domestic, irrigation and manufacturing and processing purposes is recognized as a public right and a public duty, essential to the development of the state, municipalities and all sections of Texas; and, Whereas, the waters of the ordinary flow, underflow, storm and flood waters of every river or natural stream, canyon, ravine or water-shed within the State of Texas, are declared by law and recognized by the people as the property of the state and are held by the state in trust for the public welfare, to be allotted and appropriated in such manner as will benefit the greatest number of people and result in the greatest benefit to all the people of the state; and, Whereas, it is the public policy of the state and for the benefit of the greatest number of people that in the appropriation of waters as herein defined, the appropriation of water for domestic and municipal uses shall be and remain superior to the rights of the state to appropriate the

same for all other purposes; and, Whereas, the importance of protecting the rights of the people in the appropriation of the waters as defined herein and for the purposes as herein defined, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and said rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

WOODWARD.

Read and adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 93 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Absent.

Williamson.

Absent—Excused.

DeBerry.	Pollard.
Patton.	

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Loy.
Berkeley.	Martin.
Cousins.	Moore.
Cunningham.	Neal.
Gainer.	Oneal.
Greer.	Parr.
Hardin.	Parrish.
Holbrook.	Poage.
Hopkins.	Purl.
Hornsby.	Rawlings.

Russek.  
Small.  
Stevenson.  
Thomason.

Woodruff.  
Woodul.  
Woodward.

Absent.

DeBerry.

Absent—Excused.

Patton.  
Pollard.

Williamson.

#### Message from the House.

Hall of the House of Representatives,  
Austin, Texas, May 2, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 27, A bill to be entitled "An Act providing a means of assisting tenant farmers to acquire homes; providing for a fund to be raised from private donations to be known as the Tenant Farmer Foundation Fund, to be administered by a State Commission composed of the Governor, Commissioner of Agriculture, Commissioner of the General Land Office and certain other persons, said fund to be used to purchase land and sell some to tenant farmers on long time at a low rate of interest, etc., and declaring an emergency."

H. B. No. 52, A bill to be entitled "An Act to amend Article 3531 of Chapter 19, Title 54, of the Revised Civil Statutes of 1925, relating to the classification of claims against an estate so as to fix the classification and priority of claims based on liens against property as of the date immediately before the death of the decedent; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 116, A bill to be entitled "An Act to amend Article 3690, of Chapter 29, Title 54, of the Revised Civil Statutes of 1925, so as to provide that no commissions shall be allowed or received for receiving any cash which was on hand at the time of the death of the testator or intestate, nor for paying out money to the heirs or legatees as such, except upon the equity of mortgaged property in case any of the property of such testator or intestate was mortgaged at the time of his or her death; repealing all laws and parts of laws in con-



flict herewith, and declaring an emergency."

H. B. No. 120, A bill to be entitled "An Act to amend Articles 2237, 2238 and 2239 of the 1925 Revised Civil Statutes of Texas, by providing that where the ruling of the court upon the admission or exclusion of evidence is shown by the transcript or statement of facts, and where the objections and exceptions are likewise shown, no formal bill of exception shall be necessary, etc., and declaring an emergency."

H. B. No. 141, A bill to be entitled "An Act amending Article 287 of the Code of Criminal Procedure, 1925, so as to require the fixing and approving bail bonds without necessity of suing out of writ of habeas corpus, and declaring an emergency."

(With Engrossed Rider.)

H. B. No. 163, A bill to be entitled "An Act repealing Articles 5521 and 5523, and amending Article 5520, Chapter 1, Title 91, Revised Civil Statutes of Texas, 1925, relating to vendor's lien, mortgage lien, and deed of trust notes secured by lien on real estate, providing time and manner of the running of limitation thereon, etc., and declaring an emergency."

H. B. No. 375, A bill to be entitled "An Act to amend Sections 1 and 2 of Chapter 304, page 678 et seq., of the Acts of the Regular Session of the Forty-first Legislature of the State of Texas, so as to include onion and spinach seed and include in addition to the other data to be shown the year in which such seed were grown, and declaring an emergency."

H. B. No. 453, A bill to be entitled "An Act to amend Acts of 1927, Fortieth Legislature, First Called Session, page 131, Chapter 42, Section 2, providing for the appointment of three additional members of the State Board of Health; prescribing the qualifications of such additional members; providing the terms of office, fixing their compensation, and declaring an emergency."

H. B. No. 631, A bill to be entitled "An Act to amend Section 2 of Article 2135, Revised Statutes, 1925, so as to provide that all civil officers of this State and of the United States other than first and second-class postmasters shall be exempt from jury service; and to amend Section 9 of said article so as to provide for the

exemption from jury service active members of organized fire companies in towns and cities of 1,500 population, except where such town or city has one or more paid firemen, and declaring an emergency."

H. B. No. 654, A bill to be entitled "An Act requiring any party, offering or quoting for sale certain perishable farm products to quote the quantity of the commodity actually offered and providing that no party shall so offer or quote for sale any such commodity except the owner or such other party as may be duly authorized, in writing, and that no offering or quotation shall be made by any party unless such commodity is, in fact, then in physical existence in the quantity offered and ready for bona fide sale and delivery by such party; and providing penalties for the violation thereof, and declaring an emergency."

(With engrossed rider.)

H. B. No. 658, A bill to be entitled "An Act to regulate all personal, physical mental endurance contests in public competition for prizes and awards and admission fees; prescribing penalties, and declaring an emergency."

H. B. No. 718, A bill to be entitled "An Act to amend Section 5 of Article 8307, Title 130, of the Revised Civil Statutes of 1925, and Acts of the Fortieth Legislature, Chapter 223, 1927, commonly known and referred to as the Workmen's Compensation Act, providing that the Industrial Accident Board shall furnish upon request any interested party a certified copy of the employer's notice of becoming a subscriber, which shall be admissible in evidence in any court and be prima facie proof of all the facts stated in such notice, and declaring an emergency."

H. B. No. 737, A bill to be entitled "An Act amending Article 1019 and Article 1027 of 1925 Code of Criminal Procedure, providing that no costs shall be paid by the State where the defendant is indicted for a felony and his punishment assessed by a fine or imprisonment in jail or convicted of a misdemeanor and that all costs thus incurred shall be taxed and collected as in misdemeanor cases. Also providing that all officers shall return to the State Treasurer a sum of money equal to the amount he received from the State in such cases and their bondsmen shall be liable for such sum, and declaring an emergency."

H. B. No. 762, A bill to be entitled "An Act to prohibit the increase of premium and/or rates to be collected after twenty years of continuous membership in any fraternal benefit societies as provided for in Chapter 8."

(With engrossed rider.)

H. B. No. 819, A bill to be entitled "An Act granting to the city of Port Arthur, Texas, all rights, title and interest of the State of Texas to certain land lying and being situated in and under the waters of Lake Sabine, and granting to said city of Port Arthur, Texas, the right, power and authority to fill in and upon such submerged land with sand, dredge spoil or other material and granting to said city of Port Arthur the right to take from Lake Sabine such sand, dredge spoil or other material as may be necessary or desirous for such filling, etc., and declaring an emergency."

H. B. No. 988, A bill to be entitled "An Act authorizing counties and incorporated cities and the Texas State Parks Board, separately, or in co-operation with each other, to acquire by gift or purchase land for public parks; authorizing the issuance of bonds and levy of taxes therefor; providing for control and operation of such parks, and declaring an emergency."

H. B. No. 1011, A bill to be entitled "An Act authorizing independent school districts, by the exercise of the right of eminent domain to acquire the title to streets and alleys for certain purposes under certain prescribed rules and regulations, and declaring an emergency."

H. B. No. 1030, A bill to be entitled "An Act providing for the transfer of causes from the Courts of Civil Appeals by the Supreme Court when two or more judges of the Court of Civil Appeals are disqualified or when one judge is disqualified and the other two judges are unable to agree upon a disposition of the case; prescribing duties of certain offices; repealing conflicting laws, and declaring an emergency."

H. B. No. 1036, A bill to be entitled "An Act amending House bill No. 97, passed by the Fourth Called Session of the Forty-first Legislature, Chapter 23, page 43, of the Fourth and Fifth Called Sessions of the Forty-first Legislature, repealing all laws

in conflict with this act, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, May 2, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

H. B. No. 333, A bill to be entitled "An Act declaring a State policy in the acquisition, purchase, establishment, construction and maintenance of a system of State highways; providing for the transfer of such highways by any county or defined road district to the State; providing for the purchase of such highways by the State, etc., and declaring an emergency."

H. C. R. No. 55, Providing for the printing of all laws finally passed by the Forty-second Legislature.

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, May 2, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on H. B. No. 625, 110 yeas and no nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

#### Senate Bill No. 410.

The Chair laid before the Senate on its second reading the following bill:

By Senator Woodruff:

S. B. No. 410, A bill to be entitled "An Act authorizing the commissioners' court of Jack County, Texas, to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof; and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Woodruff,

the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 410 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Absent.

DeBerry.

Absent—Excused.

Patton.	Williamson.
Pollard.	

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Absent.

DeBerry.

Absent—Excused.

Patton.	Williamson.
Pollard.	

#### Senate Bill No. 455.

The Chair laid before the Senate on its second reading the following bill:

By Senator Poage:

S. B. No. 455, A bill to be entitled "An Act providing a five-year period of limitation for all suits involving the recovery of mineral rights own-

ership of which has been segregated from the ownership of the surface, and providing that the owner and holder of the surface shall in such cases be considered to be in adverse possession of said mineral rights against the owner thereof and providing that the provisions of this Act shall not be applicable in certain instances."

Read second time.

Senator Poage sent up the following amendment:

Amend S. B. No. 455 by adding thereto the following:

Sec. 3. The fact that there is not now any provision of the Statutes subjecting this class of property to taxation and the crowded condition of the calendar constitutes an imperative public necessity that the constitutional rules requiring bills to be read on three several days be suspended and they are hereby suspended and the bill shall be in force and effect from and after its passage.

POAGE.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Poage, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 455 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Woodruff.
Loy.	Woodul.
Martin.	Woodward.
Moore.	

Nay—1.

Oneal.

Absent—Excused.

Patton.	Williamson.
Pollard.	

Read third time and finally passed by the following vote:

## Yeas—19.

Beck.	Neal.
Berkeley.	Parr.
Cunningham.	Parrish.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Hornsby.	Russek.
Loy.	Small.
Martin.	Woodruff.
Moore.	

## Nays—8.

Cousins.	Oneal.
DeBerry.	Stevenson.
Holbrook.	Woodul.
Hopkins.	Woodward.

## Absent.

Thomason.

## Absent—Excused.

Patton.	Williamson.
Pollard.	

## House Bills Referred.

H. B. No. 163 referred to Committee on Civil Jurisprudence. Com-

H. B. No. 120 referred to Committee on Civil Jurisprudence. Com-

H. B. No. 116 referred to Committee on Civil Jurisprudence. Com-

H. B. No. 52 referred to Committee on Civil Jurisprudence. Com-

H. B. No. 1011 referred to Committee on Civil Jurisprudence. Com-

H. B. No. 1030 referred to Committee on Civil Jurisprudence. Com-

H. B. No. 141 referred to Committee on Criminal Jurisprudence. Com-

H. B. No. 658 referred to Committee on Criminal Jurisprudence. Com-

H. B. No. 737 referred to Committee on Criminal Jurisprudence. Com-

H. B. No. 631 referred to Committee on Civil Jurisprudence. Com-

H. B. No. 27 referred to Committee on Agricultural Affairs. Com-

H. B. No. 654 referred to Committee on Agricultural Affairs. Com-

H. B. No. 375 referred to Committee on Agricultural Affairs. Com-

H. B. No. 453 referred to Committee on Public Health. Com-

H. B. No. 718 referred to Committee on Labor. Com-

H. B. No. 762 referred to Committee on Insurance. Com-

H. B. No. 819 referred to Committee on Public Buildings and Grounds. Com-

H. B. No. 988 referred to Committee on State Affairs. Com-

H. B. No. 1036 referred to Committee on State Affairs.

H. B. No. 333 referred to Committee on State Highway and Motor Traffic.

## Senate Bill No. 546.

The Chair laid before the Senate on its second reading the following bill:

By Senator Gainer:

S. B. No. 546, A bill to be entitled "An Act relating to certain fur-bearing animals; prohibiting the killing or taking of same in certain counties of this State; prescribing offenses, fines and punishment; and declaring an emergency."

Read second time.

Senator Gainer sent up the following amendment:

Amend S. B. No. 546 as follows: by adding in Section 1, after the word "Burleson," the following: "Brazos and Washington;" and change the word "County," to "Counties."

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Gainer, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 546 was put on its third reading and final passage by the following vote:

## Yeas—28.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.

## Absent—Excused.

Patton.	Williamson.
Pollard.	

Read third time and finally passed by the following vote:

## Yeas—28.

Beck.	Cousins.
Berkeley.	Cunningham.

DeBerry.	Parr.
Gainer.	Parrish.
Greer.	Poage.
Hardin.	Purl.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Small.
Loy.	Stevenson.
Martin.	Thomason.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Patton.	Williamson.
Pollard.	

**House Bill No. 735.**

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 735, A bill to be entitled "An Act to authorize the State Board of Control to lease public grounds and property of the State for agricultural and/or commercial purposes; prescribing the mode and manner of making said lease, repealing all laws in conflict, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Berkeley, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 735 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.

Absent—Excused.

Patton.	Williamson.
Pollard.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.

Absent—Excused.

Patton.	Williamson.
Pollard.	

**House Bill No. 628.**

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 628, A bill to be entitled "An Act to provide for the compressing of cotton at the nearest compress which is transported over the public highway by carriers for hire by motor vehicle; fixing a penalty, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Purl, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 628 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Woodul.
Martin.	Woodward.
Moore.	

Nay—1.

Woodruff.

Absent—Excused.

Patton.	Williamson.
Pollard.	

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Woodul.
Martin.	Woodward.
Moore.	

Nay—1.

Woodruff.

Absent—Excused.

Patton.	Williamson.
Pollard.	

#### House Bill No. 332.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 332, A bill to be entitled "An Act to amend Section 16a of Article 8308, Revised Statutes of 1925, so as to hereafter provide that whenever the Texas Employers' Insurance Association shall have accumulated, at the end of any calendar year, an admitted surplus in excess of incurred losses, expenses and unearned premiums or other liabilities amounting to the sum of two hundred thousand dollars or more, the liability of its members to assessment under Article 8308, Section 15 shall be suspended and it shall be authorized to issue policies not subject to assessment, etc., and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Stevenson, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 332 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	DeBerry.
Berkeley.	Gainer.
Cousins.	Greer.
Cunningham.	Hardin.

Holbrook.	Poage.
Hopkins.	Purl.
Hornsby.	Rawlings.
Loy.	Russek.
Martin.	Small.
Moore.	Stevenson.
Neal.	Thomason.
Oneal.	Woodruff.
Parr.	Woodul.
Parrish.	Woodward.

Absent—Excused.

Patton.	Williamson.
Pollard.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Oneal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Woodruff.
Martin.	Woodul.

Nays—2.

Rawlings.	Woodward.
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Absent—Excused.

Patton.	Williamson.
Pollard.	

#### House Bill No. 1014.

The Chair laid before the Senate on its third reading the following bill:

H. B. No. 1014, A bill to be entitled "An Act authorizing the Governor on the recommendation of the State Highway Commission, to convey title to land acquired by the State for highway purposes where after the acquisition thereof such land is no longer needed for such purposes because of a change in the route of such highway, or the abandonment thereof; authorizing the Governor to exchange one right of way for another; requiring the Highway Commission to fix a fair and reasonable value of such land; providing for the return of land donated to the State; making it the duty of the Attorney General to pass on the valid-

ity of such transfers, and declaring an emergency."

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.

Absent—Excused.

Patton. Williamson.  
Pollard.

#### Senate Bill No. 259.

The Chair laid before the Senate on its second reading the following bill:

By Senator Beck:

S. B. No. 259, A bill to be entitled "An Act making appropriation for the support and maintenance of the State Government for the two-year period beginning September 1, 1931, and ending August 31, 1933, and for other purposes, and prescribing certain regulations and restrictions in respect thereto, and declaring an emergency."

The committee substitute was adopted.

The following committee amendments to the committee substitute were adopted:

#### Committee Amendment No. 1.

Amend the bill, page 15, by inserting between lines 36 and 37 the following:

"Employment agency licenses are hereby appropriated for the purpose of supervising employment agency and the distribution of foreign labor; monthly reports of all expenditures out of this fund to be made to the State Comptroller."

#### Committee Amendment No. 2.

Amend by adding between lines 19 and 20, page 23, the following:

"Assistant receiver, bonded, \$2,100.00 each year."

Amend in line 23, page 23, by striking out the word "four" and the figure "\$6,000.00" in each column and inserting in lieu thereof the word "six" and the figure "\$9,000.00" in each column.

Amend line 59, page 23, by striking out "\$2,250.00" in each column and inserting in lieu thereof "\$4,000.00" in each column.

#### Committee Amendment No. 3.

Amend page 24 by inserting between lines 50 and 51 the following:

"Personnel clerk \$1,800.00 each year."

Amend line 8, page 25, by striking out "\$3,000.00" in each column and inserting in lieu thereof "\$4,500.00" in each column.

Amend line 31, page 25, by striking out the word "twelve" and inserting in lieu thereof the word "eleven."

Amend by inserting between lines 54 and 55, page 26, "head-light engineer, \$3,000.00" in each column.

Amend line 13, page 27, by inserting after the word "month" the word "each."

#### Committee Amendment No. 4.

Amend in line 28, page 37, by striking out the word "in."

#### Committee Amendment No. 5.

Amend the bill in line 26, page 27, by striking out the figures "\$12,000.00" in each column and inserting in lieu thereof the figures "\$14,640.00" in each column.

BECK.

Senator Woodruff sent up the following amendment:

Amend C. S. S. B. 259 by striking out the figures \$18000 wherever they appear in line 24, page 33, and insert in lieu thereof "20,000."

WOODRUFF.

The amendment was read.

Senator Purl moved to set the bill as special order Monday morning at 10 o'clock.

Senator Beck moved to table the motion. The motion to table prevailed by the following vote:

## Yeas—17.

Beck.	Martin.
Berkeley.	Moore.
Cousins.	Parr.
Gainer.	Parrish.
Greer.	Stevenson.
Hardin.	Woodruff.
Holbrook.	Woodul.
Hopkins.	Woodward.
Hornsby.	

## Nays—6.

DeBerry.	Poage.
Loy.	Purl.
Oneal.	Rawlings.

## Absent.

Cunningham.	Small.
Neal.	Thomason.
Russek.	

## Absent—Excused.

Patton.	Williamson.
Pollard.	

The pending amendment was adopted.

Senator Poage sent up the following amendment:

Amend S. B. 259, page 2, line 35 by striking out the figures \$275,000.00 where they appear and insert in lieu thereof the figures \$175,000 and changing totals to comply.

POAGE.

The amendment was read.

Senator Beck moved to table the amendment.

The motion prevailed.

Senator Purl sent up the following amendment:

Amend S. B. No. 259 by reducing the different items designated in the bill "Traveling Expenses" 10%.

PURL.

The amendment was read and adopted by the following vote:

## Yeas—14.

Berkeley.	Moore.
Cousins.	Poage.
Cunningham.	Purl.
DeBerry.	Rawlings.
Hopkins.	Small.
Hornsby.	Woodruff.
Loy.	Woodward.

## Nays—12.

Beck.	Holbrook.
Gainer.	Martin.
Greer.	Neal.
Hardin.	Parr.

Parrish.	Thomason.
Stevenson.	Woodul.

## Absent.

Oneal.	Russek.
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## Absent—Excused.

Patton.	Williamson.
Pollard.	

Senator Woodruff sent up the following amendment:

Amend C. S. S. B. No. 259 by striking out the figures "3,500.00 wherever they appear in line 58, page 7, and insert in lieu thereof in each instance the following: "2,500.00."

WOODRUFF.

The amendment was read.

Senator DeBerry sent up the following substitute for the amendment:

Substitute for the pending amendment the following: Amend C. S. S. B. No. 259 by striking out everything from line 41 on page 7 to line 12, page 8.

DeBERRY.

The substitute was read.

## H. C. R. No. 55.

The Chair laid before the Senate: H. C. R. No. 55, Relating to printing laws filed in the Secretary of State's office this session and weekly hereafter as a supplement to the Journal.

Read and adopted.

## Recess.

On motion of Senator Woodruff, the Senate, at 12:13 o'clock p. m., recessed until 2 o'clock p. m.

## After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

## Senate Bill No. 583.

Senator Holbrook called up from the table the following bill:

By Senator Holbrook:

S. B. No. 583, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the Treasury Department, and authorizing payment of said claims on the taking effect of this Act, and declaring an emergency."



The bill was passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 583 was put on its third reading and final passage, by the following vote:

Yeas—25.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Oneal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Rawlings.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hopkins.	Woodruff.
Hornsby.	Woodul.
Loy.	Woodward.
Martin.	

Nays—2.

Poage. Purl.

Absent—Excused.

Patton. Russek.  
Pollard. Williamson.

Read third time.

On motion of Senator Holbrook, the bill was laid on the table subject to call.

#### Senate Bill No. 615.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Parrish:

S. B. No. 615, A bill to be entitled "An Act to give consent of the Legislature to Mrs. Claudie Eubanks and others to sue the State of Texas and/or Highway Commission for damages resulting in the death of Fletcher S. Eubanks; and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted.

On motion of Senator Parrish the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 615 was put on its second reading by the following vote:

Yeas—24.

Beck. Cousins.  
Berkeley. Cunningham.

DeBerry.  
Gainer.  
Greer.  
Hardin.  
Holbrook.  
Hornsby.  
Loy.  
Martin.  
Moore.  
Neal.

Oneal.  
Parr.  
Parrish.  
Poage.  
Purl.  
Rawlings.  
Stevenson.  
Thomason.  
Woodul.  
Woodward.

Absent.

Hopkins. Woodruff.  
Small.

Absent—Excused.

Patton. Russek.  
Pollard. Williamson.

Read second time.

Senator Parrish sent up the following amendment:

Amend S. B. No. 615, Section 1, Line 5, by adding after the words "Fletcher S. Eubanks," the following: "and also for damages resulting in the demolition of the car in which he was riding," and amend the Caption accordingly.

PARRISH.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Parrish the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 615 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Woodruff.
Loy.	Woodul.
Martin.	Woodward.
Moore.	

Absent—Excused.

Patton. Russek.  
Pollard. Williamson.

Read third time and finally passed by the following vote:

## Yeas—25.

Beck.	Martin.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Poage.
Greer.	Rawlings.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hopkins.	Woodruff.
Hornsby.	Woodul.
Loy.	Woodward.

Present—Not Voting.

Oneal. Purl.

Absent.

Small.

Absent—Excused.

Patton.	Russek.
Pollard.	Williamson.

## Senate Bill No. 583.

Senator Holbrook called up from the table S. B. No. 583.

Senator Holbrook sent up the following amendment:

Amend by adding the following: "Provided such accounts are approved by the State Auditor and the Attorney General."

Read and adopted unanimously.

The bill was finally passed by the following vote:

## Yeas—24.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.

Nays—1.

DeBerry.

Absent.

Hopkins. Small.

Absent—Excused.

Patton.	Russek.
Pollard.	Williamson.

## Senate Bill No. 259.

The question recurred upon the pending substitute for the amendment to S. B. No. 259.

Senator Hornsby moved to table the substitute. The motion prevailed.

The pending amendment was adopted.

Senator Purl sent up the following amendment:

Amend S. B. No. 259, line 48, page 7, by striking out six inspectors, \$10,800, both columns and insert, three inspectors, \$5,400, each column.

PURL.

The amendment was read.

Senator Thomason moved to table the amendment. The motion prevailed by the following vote:

Yeas—13.

Beck.	Parrish.
Hornsby.	Poage.
Martin.	Rawlings.
Moore.	Thomason.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Nays—9

Cousins.	Loy.
Gainer.	Purl.
Greer.	Stevenson.
Hardin.	Woodruff.
Hopkins.	

Absent.

Cunningham.	Holbrook.
DeBerry.	

Absent—Excused.

Patton.	Russek.
Pollard.	Williamson.

(Pair Recorded)

Senator Berkeley (present) who would vote nay with Senator Small (absent), who would vote yea.

Senator Purl sent up the following amendments:

Amend S. B. No. 259, line 56, page 7, by striking out \$9,200.00, each column, and insert \$5,000.00 in each column.

PURL.

Read and adopted.

Amend S. B. No. 259 by striking out all of line 63, page 7.

PURL.

Read and lost.

Senator Woodruff sent up the following amendments:

Amend Committee Substitute, S. B. No. 259, by striking out the figures "2000.00 in each instance in line 64, page 7, and inserting in lieu thereof, "500.00" in each instance.

WOODRUFF.

Read and adopted.

Amend C. S. S. B. No. 259, by adding line 10a on page 9 as follows:

"To patch roof on Capitol Building, \$4,000.00."

WOODRUFF.

Read and adopted.

Senator Cousins sent up the following amendment:

Amend C. S. S. B. No. 259, page 29, line 48, by cutting out the words "State Board of Control."

COUSINS.

Read and lost.

Senator Woodruff sent up the following amendment:

Amend C. S. S. B. No. 259, by striking out "present" in line 46, page 29, and inserting in lieu thereof the word "prison."

WOODRUFF.

Read and adopted.

Senator Purl sent up the following amendment:

Amend S. B. No. 259, by striking out all reference to salt water fish hatcheries wherever it appears in the bill.

PURL.

The amendment was read.

Senator Holbrook moved to table the amendment. The motion was lost by the following vote:

Yeas—10.

Berkeley.	Oneal.
Greer.	Parr.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hopkins.	Woodul.

Nays—12.

Beck.	Parrish.
Cousins.	Poage.
Hornsby.	Purl.
Loy.	Rawlings.
Martin.	Woodruff.
Moore.	Woodward.

Absent.

Cunningham.	Gainer.
DeBerry.	Neal.

Absent—Excused.

Patton.	Small.
Pollard.	Williamson.
Russek.	

House Bill No. 555.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 555, A bill to be entitled "An Act amending Article 2033, Revised Civil Statutes, 1925, permitting citation to be served on the local agents of individual or partnerships supplying gas, water, electricity or other service to villages, towns and cities, and declaring an emergency."

Read second time.

Senator Moore sent up the following amendment:

Amend H. B. No. 555, paragraph 2 of Sec. 1, line 32, by adding after the word "agent" a comma and the following: "representative, superintendent or person in charge of the business" and amend the caption to conform.

MOORE.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Moore the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 555 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Woodruff.
Loy.	Woodul.
Martin.	Woodward.
Moore.	

Absent—Excused.

Patton.	Russek.
Pollard.	Williamson.

Read third time and finally passed by the following vote:

## Yeas—27.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Woodruff.
Loy.	Woodul.
Martin.	Woodward.
Moore.	

## Absent—Excused.

Patton.	Russek.
Pollard.	Williamson.

## H. C. R. No. 55.

On motion of Senator Woodward the Senate reconsidered the vote by which H. C. R. No. 55 was adopted and the resolution was laid on the table subject to call.

## Senate Bill No. 201.

The Chair laid before the Senate on its second reading the following bill:

By Senator Cousins:

S. B. No. 201, A bill to be entitled "An Act making it an offense for any person to manufacture, sell, break, open or explode in this State any bomb, shell or any other device containing any gas, air, or other substance which stinks or is repulsive to smell, and which is constructed and designed to emanate the same, making exceptions, prescribing fines penalties and punishment, and declaring an emergency."

Read second time.

Senator Cousins sent up the following amendments:

## Amendment No. 1.

Amend Senate Bill 201 by striking out all after the enacting clause and substituting therefor the following:

"Section 1. It shall be unlawful to break, open, or explode, or to abet in the breaking, opening, or exploding of any stink bomb or any stinking, offensive smelling, or injurious bomb or substance with a malicious intent wrongfully to injure, molest or coerce another, or to injure the

property or business of another, or to molest another in the use, management, conduct or control of his business or property.

Sec. 2. It shall be unlawful for any person to have in his possession or to sell or manufacture in this State any stink bomb or any stinking, offensive smelling, or injurious substance, which are contained in any bomb or container, and which are so devised as to be designed to be broken or exploded for the purpose of emanating an unpleasant or injurious odor or gas for the purpose of injuring or being unpleasant to another or injuring the property of another.

Sec. 3. The provisions hereof shall not apply to any duly constituted police or military authorities or peace officers in the discharge of their duties.

Sec. 4. The provisions of Section 2 hereof shall not apply to licensed physicians, nurses, pharmacutists, and other persons licensed under the laws of this State.

Sec. 5. Any person who violates any of the provisions of this Act shall be fined in a sum not less than One (\$100.00) Dollars nor more than One Thousand (\$1000.00) Dollars, or confined in the county jail not more than twelve months, or by both such fine and imprisonment.

Sec. 6. The fact that many malicious persons have exploded stink bombs in churches, theaters, and other such places for the purpose of injuring others and destroying the business and property of others, which should be unlawful, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

COUSINS.

Read and adopted.

Amendment to Senate Bill No. 201.

## Amendment No. 2.

Amend Senate Bill No. 201 by striking out all above the enacting clause and substituting in lieu thereof the following:

A BILL  
To Be Entitled

An Act to prohibit the use, manufacture, sale, and other disposition of stink bombs and stinking, offensive smelling or injurious bombs or substances as herein defined for the purpose of injuring, molesting, or coercing another, or for the injuring of property of another as provided herein; providing exceptions; prescribing offenses and penalties; and declaring an emergency.

COUSINS.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Cousins, the constitutional rule requiring bills to be read on three several days was suspended and S. B. 201 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Woodruff.
Loy.	Woodul.
Martin.	Woodward.
Moore.	

Absent—Excused.

Patton.	Russek.
Pollard.	Williamson.

Read third time and finally passed.

Senate Bill No. 259.

The question recurred on the pending amendment to S. B. No. 259. The amendment was lost by the following vote:

Yeas—7.

Hornsby.	Purl.
Loy.	Rawlings.
Moore.	Woodruff.
Poage.	

Nays—13.

Beck.	Greer.
Berkeley.	Hardin.
Cousins.	Holbrook.

Hopkins.	Parr.
Martin.	Parrish.
Neal.	Thomason.
Oneal.	

Present—Not Voting.

Gainer.

Absent—Excused.

Cunningham.	Small.
DeBerry.	Stevenson.
Patton.	Williamson.
Pollard.	Woodul.
Russek.	Woodward.

Senator Greer sent up the following amendment:

Amend S. B. No. 259, page 26, line 58 by striking out \$75,600 and inserting in lieu thereof the words and figures \$62,866; and by striking out the figures \$4200 and inserting in lieu thereof \$3600.

GREER.

On motion of Senator Parr, S. B. No. 259 was set aside for the consideration of local bills.

Senator Woodruff moved a call of the Senate until S. B. No. 259 was disposed of. The motion failed to receive the proper seconding.

House Bill No. 260.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 260, A bill to be entitled "An Act amending Article 1672 of the Revised Criminal Statutes of 1925, by adding thereto a section authorizing the governing bodies of cities or towns of 5,000 inhabitants or more, according to the last Federal census, to regulate the ringing of bells and blowing of whistles within their corporate limits, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Loy the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 260 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Greer.
Berkeley.	Hardin.
Cousins.	Holbrook.
Cunningham.	Hopkins.
DeBerry.	Hornsby.
Gainer.	Loy.

Martin.	Rawlings.
Moore.	Small.
Neal.	Stevenson.
Oneal.	Thomason.
Parr.	Woodruff.
Parrish.	Woodul.
Poage.	Woodward.
Purl.	

Absent—Excused.

Patton.	Russek.
Pollard.	Williamson.

Read third time and finally passed.

### Senate Bill No. 92.

The Chair laid before the Senate on its second reading the following bill:

By Senator Hardin:

S. B. No. 92, A bill to be entitled "An Act creating the Texas Bureau of Criminal Identification: providing for its organizations, defining its powers and duties and making an appropriation to carry out the provisions hereof."

The bill was read second time and passed to engrossment.

On motion of Senator Hardin, the constitutional rule requiring bills to be read on three several days was suspended and S. B. 92 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Woodruff.
Loy.	Woodul.
Martin.	Woodward.
Moore.	

Absent—Excused.

Patton.	Russek.
Pollard.	Williamson.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Cunningham.
Berkeley.	DeBerry.
Cousins.	Gainer.

Greer.	Parrish.
Hardin.	Poage.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Small.
Loy.	Stevenson.
Martin.	Thomason.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Absent—Excused.

Patton.	Russek.
Pollard.	Williamson.

### Motion to Reconsider.

Senator Poage spread on the Journal a motion to reconsider the vote by which S. B. No. 332 was finally passed.

### House Bill No. 950.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 950, A bill to be entitled "An Act amending Section 8 of Chapter 274 of the General Laws of the Regular Session of the Forty-first Legislature, which Chapter relates to the regulation of local mutual aid associations paying death benefits opperating an insurance business and paying benefits where funds are provided by assessments on members and which Section 8 thereof relates to such associations being mutual in character, and providing for non-personal capacity by virtue of any policy issued or claims arising thereon, by adding to said Section 8 a provision authorizing such associations to issue policies of group insurance so that the same policy may cover the lives of two or more individuals who are members thereof, and declaring an emergency."

The committee amendments were adopted.

The bill was read second time and passed to third reading.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 950 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Cunningham.
Berkeley.	DeBerry.
Cousins.	Gainer.

Greer.	Parrish.
Hardin.	Poage.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Small.
Loy.	Stevenson.
Martin.	Thomason.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Absent—Excused.

Patton.	Russek.
Pollard.	Williamson.

Read third time and finally passed.

#### Senate Bill No. 127.

The Chair laid before the Senate on its second reading S. B. No. 127.

On motion of Senator Thomason, the bill was laid on the table subject to call.

#### Senate Bill No. 242.

The Chair laid before the Senate on its second reading the following bill:

By Senator Martin:

S. B. No. 242, A bill to be entitled "An Act providing for the preparation and distribution of mimeographed or similar copies of all of the preceedings of every meeting of the Highway Commission, and for certifying to and for the admission of copies of such proceedings as evidence, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Martin the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 242 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Woodruff.
Loy.	Woodward.
Martin.	Woodul.
Moore.	

Absent—Excused.

Patton.	Russek.
Pollard.	Williamson.

Read third time and finally passed.

#### Senate Bill No. 90.

The Chair laid before the Senate on its second reading the following bill:

By Senator Parrish:

S. B. No. 90, A bill to be entitled "An Act to create the 92nd Judicial District of Texas, and to designate the counties constituting said District fixing the time for holding Court therein; reorganize the 32nd Judicial District of Texas and designate the counties constituting said 32nd Judicial District of Texas, and fixing the time for holding Court in the various counties of said District, etc., and declaring an emergency."

Read second time.

Senator Parrish sent up the following amendment:

#### Amendment No. 1.

Amend Senate Bill No. 90, by striking out all below the enacting clause, and substituting in lieu thereof the following:

Section 1. The 32nd Judicial District of Texas shall be composed of the counties of Nolan, Scurry, Mitchell, Howard, and Borden, and the terms of the District Court of said District shall be held therein each year as follows:

In the County of Nolan on the first Monday in January of each year and may continue in session eight weeks; on the second Monday after the first Monday in September of each year and may continue in session four weeks.

In the County of Howard on the twelfth Monday after the first Monday in January of each year and may continue in session eight weeks; on the ninth Monday after the first Monday in September of each year, and may continue in session four weeks.

In the County of Scurry on the eighth Monday after the first Monday in January of each year and may continue in session four week; on the sixth Monday after the first Monday in September of each year and may continue in session three weeks.

In the County of Mitchell on the twentieth Monday after the first Monday in January of each year and may continue in session four weeks; on the

twentieth Monday after the first Monday in September of each year and may continue in session four weeks.

In the County of Borden on the twenty-fourth Monday after the first Monday in January of each year and may continue in session two weeks; on the thirty-fifth Monday after the first Monday in January of each year and may continue in session two weeks.

Sec. 2. That there is hereby created a Court to be held in each of the several counties now composing the 32nd Judicial District of Texas, to be called a "Special District Court of the 32nd Judicial District of Texas."

Sec. 3. Said Special District Court of the 32nd Judicial District of Texas shall have jurisdiction concurrent with the District Court of the 32nd Judicial District of all matters and causes of a civil criminal nature over which under the Constitution and General Laws of the State of Texas, the District Court of said 32nd Judicial District of Texas has original and appellate jurisdiction.

Sec. 4. The Judge of the 32nd Judicial District of Texas may, in his discretion, either in term time or in vacation, order entered upon the minutes of the District Court of the respective counties of said district, transfer any case or cases, that may at any time be pending in said District Court of that county to the Special District Court of the 32nd Judicial District of Texas, created by this Act, and holding sessions in that county, and said Special District Court shall have the same powers and authority to try and finally dispose of such case so transferred as the Court from which the same were transferred, possessed, and the judge of said Special District Court may at any time in his discretion, either in term or in vacation, by an order or orders entered upon the minutes of his Court in any of the counties of the 32nd Judicial District, transfer any cause pending upon his docket to the District Court of the 32nd Judicial District holding sessions in the county, and when said cause or causes are transferred, the Court to which transfer is made shall have the same right and authority to try and finally dispose of same as originally had by said Special District Court.

Sec. 5. Any party or person desiring to bring a suit over which the District Court of the 32nd Judicial District has jurisdiction, shall have

the right to file the same either in the District Court of the 32nd Judicial District in the county where said suit is brought, or in said Special District Court hereby created in the county where said suit is brought, subject to the right of the judges of said Courts to transfer the same as herein provided.

Sec. 6. The clerk of the District Court of each of the counties now composing the 32nd Judicial District of Texas, and his successors in office shall be the clerk of the 32nd Judicial District Court in his county, and also the clerk of the Special District Court in his county, hereby created, and shall perform all duties pertaining to the clerkship of each of said Courts.

Sec. 7. The District Attorney of the 32nd Judicial District of Texas shall represent the State in all cases wherein the State of Texas is a party in said Special District Court, and in case of the absence or inability of said District Attorney to so represent the State in any case pending in said Special District Court, then the county attorney of the county in which said case is pending, shall represent the State.

Sec. 8. The Governor of the State of Texas is hereby authorized and empowered to appoint some person having the qualification provided by law for district judge, as judge of said Special District Court, who shall hold his office until the first day of August, 1933. The compensation of the judge of said Special District Court of the 32nd Judicial District hereby created, shall be the same as paid to the judges of other District Courts.

Sec. 9. There is hereby conferred upon said Special District Court, and upon the judge thereof, all of the rights, powers, and duties that are given by law to the District Courts and district judges of this State, and all laws of the State of Texas in reference to district courts and district judges shall be deemed and held equally applicable to said Special District Court and the judge hereto, except as herein specially excepted.

Sec. 10. The terms of said Special District Court created by this Act in the various counties of the 32nd Judicial District shall be as follows:

In the County of Howard on the first Monday in January of each year and may continue in session eight weeks; on the first Monday in September of



each year and may continue in session four weeks.

In the County of Nolan on the fourteenth Monday after the first Monday in January of each year and may continue in session eight weeks; on the ninth Monday after the first Monday in September of each year and may continue in session four weeks.

In the County of Mitchell on the eighth Monday after the first Monday in January of each year and may continue in session four weeks; on the fourth Monday after the first Monday in September of each year and may continue in session three weeks.

In the County of Scurry on the twenty-second Monday after the first Monday in January of each year and may continue in session four weeks; on the thirteenth Monday after the first Monday in September of each year and may continue in session four weeks.

In the County of Borden on the twelfth Monday after the first Monday in January of each year and may continue in session two weeks; on the seventh Monday after the first Monday in September of each year and may continue in session two weeks.

Sec. 11. Said Special District Court of the 32nd Judicial District, created by this Act, shall cease to exist on the first day of August, 1933, at which time the term of office of the Judge of said Court shall expire by limitation of law, and the provisions of this Act, except those as embodied in Section 12 herein.

Sec. 12. That, at the expiration of the term for which said Special District Court is created, the Judge thereof shall deliver all the dockets and records of said Court to the Clerks of the District Courts of the respective Counties of the 32nd Judicial District for preservation, and any cause or causes pending upon the dockets of said Court at the time shall be, by said Clerks, transferred to the docket of the District Court of the 32nd Judicial District of the County in which said causes are pending. Said judge shall also have authority and power, after the expiration of his term of office, to approve all statements of facts, bills of exceptions, or make any other order necessary in cases tried in said Special District Court and appealed.

Sec. 13. That all laws and parts

of laws in conflict with the provisions of this Act be, and the same are, hereby repealed, but nothing in this Act be, and the same are, hereby repealed, but nothing in this Act shall be construed as in any way affecting the process, terms, jurisdiction or authority of the District Court of the 32nd Judicial District of Texas, except as herein specially conferred upon said Special District Court hereby created, and all process issued in any case pending in the District Court of the said 32nd Judicial District shall be equally valid in any cause tharnsferred to said Special District Court.

Sec. 14. There shall be no Grand Jury drawn in the Special District Court for the four weeks' term of Court convening in Howard County on the first Monday in September of each year; neither shall there be any Grand Jury drawn for the four weeks' term of Court in Nolan County convening on the ninth Monday after the first Monday of September of each year in the said Special District Court herein provided for; neither shall there be any Grand Jury drawn for the said Special District Court in the County of Mitchell for the three weeks' term of Court beginning on the fourth Monday after the first Monday in September of each year; neither shall there be any Grand Jury drawn for said Special District Court in the County of Scurry for the four weeks' term of Court beginning on the twenty-second Monday after the first Monday in January of each year; providing further, that there shall be no Grand Jury drawn each year for the said Special District Court in the County of Borden, and providing further, that the Judge of said Special District Court may, in his discretion, from time ot time order drawn such additional Grand Jury in the several counties herein named, as he may deem proper and necessary.

Sec. 15. All laws and parts of laws in conflict with the provisions of this Act shall be, and the same are, hereby repealed.

Sec. 16. If any section, paragraph or provision of this Act be held or declared unconstitutional or invalid, for any reason, such holding shall not, in any manner, affect the remaining sections, paragraphs or provisions of this Act, but the same shall remain in full force and effect.

Sec. 17. The crowded condition of the docket in the District Courts of the various Counties of the 32nd Judicial District, and the inability of the party litigants to have the case heard and disposed of without unusual and disastrous delay, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

PARRISH.

Read and adopted.

#### Amendment No. 2.

Amend S. B. No. 90 by striking out all above the enacting clause, and substitute in lieu thereof the following:

#### "A BILL

#### To Be Entitled

An Act to amend subdivision 32 of Article 199 of Title 8 of the Revised Statutes of Texas, 1925, as amended by Acts of the Regular Session of the 41st Legislature, Chapter 10, thereof to change and prescribe the terms and time for holding District Courts of the 32nd Judicial District of the State of Texas, composed of Nolan, Scurry, Mitchell, Howard and Borden Counties, and to conform all writs and process from such Courts to such changes and make all writs and process issued or served before this Act takes effect including recognizances and bonds returnable to the terms of Court in the several Counties in said District as herein fixed and to validate the summoning of Grand Juries and Petit Juries and providing for the continuation of Courts in session in said District when this Act takes effect to the end of this term; repealing all laws and parts of laws in conflict herewith; providing in case any provision of this Act shall be held unconstitutional or invalid, then such holding shall not affect the remaining provisions; and declaring an emergency, and:

To create a Special District Court for the said 32nd Judicial District of Texas, to prescribe its jurisdiction, to limit its existence,

to fix its terms, to conform all writs and process from said Courts to the District Court in said District to such changes as are made in the jurisdiction of said Court by this Bill; to empower the Judge of said Special District Court and the Judge of the 32nd Judicial District to transfer cases from their respective Courts to the other Courts, to provide for the appointment of a Judge for said Special District Court, to provide and prescribe the duties of the District Attorney of the 32nd Judicial District of Texas, and to prescribe and define the duties of the County Attorneys of the respective Counties of said 32nd Judicial District; to fix and define the term of office of said District Judge of said Special District Court, and for the existence of said Special District Court; and declaring an emergency."

PARRISH.

Read and adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Parrish, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 90 was put on its third reading and final passage by the following vote:

#### Yeas—27.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Woodruff.
Loy.	Woodul.
Martin.	Woodward.
Moore.	

#### Absent—Excused.

Patton.	Russek.
Pollard.	Williamson.

Read third time and finally passed by the following vote:

#### Yeas—24.

Beck.	Cunningham.
Berkeley.	DeBerry.
Cousins.	Gainer.

Greer.	Poage.
Hardin.	Purl.
Hornsby.	Rawlings.
Martin.	Small.
Moore.	Stevenson.
Neal.	Thomason.
Oneal.	Woodruff.
Parr.	Woodul.
Parrish.	Woodward.

Nays—3.

Holbrook.	Loy.
Hopkins.	

Absent—Excused.

Patton.	Russek.
Pollard.	Williamson.

**Senate Bill No. 149.**

The Chair laid before the Senate on its second reading S. B. No. 149. The committee report was adopted. Read second time. Senator Rawlings sent up the following amendments:

**AMENDMENT NO. 1.**

Amend S. B. No. 149 by striking out all below the enacting clause and bu substituting in lieu thereof the following:

"Section 1. That Article 1058, as amended, of the Code of Criminal Procedure, be, and the same is, hereby amended so as to hereafter read as follows:

"Article 1058. Pay of Bailiffs.—Each walking grand jury bailiff appointed as suc bailiff shall receive as compensation for his services the sum of Four (\$4.00) Dollars for each day he may serve, and each riding grand jury bailiff appointed in counties of a poulation of -50,000 or more, according to the last Federal Census, shall receive as compensation for his services the sum of Six (\$6.00) Dollars for each day he may serve, and shall further receive One (\$1.00) Dollar per day for automobile expenses and upkeep, provided, however, that not more than ten (10) such bailiffs shall be employed at any one time.

"Sec. 2. All laws or parts of laws in conflict herewith, and especially Chapter 52, Acts of the Fourth Called Session of the 41st Legislature, are hereby repealed.

"Sec. 3. The fact that compensation now provided by law for certain bailiffs is inadequate and that the present laws are of doubtful val-

idity and are confusing, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted."

**RAWLINGS.**

Read and adopted.

**AMENDMENT NO. 2.**

Amend S. B. No. 149 by striking out all above the enacting clause and by substituting in lieu thereof the following:

"An Act to amend Article 1058, as amended, of the Code of Criminal Procedure; repealing all laws in conflict herewith; and declaring an emergency."

**RAWLINGS.**

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Rawlings the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 149 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Woodruff.
Loy.	Woodul.
Martin.	Woodward.
Moore.	

Absent—Excused.

Patton.	Russek.
Pollard.	Williamson.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Gainer.
Berkeley.	Greer.
Cousins.	Hardin.
Cunningham.	Holbrook.
DeBerry.	Hopkins.

Hornsby.	Purl.
Loy.	Rawlings.
Martin.	Small.
Moore.	Stevenson.
Neal.	Thomason.
O'neal.	Woodruff.
Parr.	Woodul.
Parrish.	Woodward.
Poage.	

Absent—Excused.

Patton.	Russek.
Pollard.	Williamson.

**Senate Bill No. 346.**

The Chair laid before the Senate on its third reading the following bill:

By Senator Oneal:

S. B. No. 346, A bill to be entitled "An Act to fix the time when the sentence of a convict, sentenced to the penitentiary, who has appealed his case to the Court of Criminal Appeals of the State of Texas, and said case has been affirmed, shall begin; prescribing the procedure in such cases, and declaring an emergency."

Read third time and finally passed.

**Senate Bill No. 573.**

The Chair laid before the Senate on its third reading the following bill:

By Senators Hopkins and Russek:

S. B. No. 573, A bill to be entitled "An Act giving to the Lee Moore Contracting Company, its successors or assigns, consent of the Legislature to sue the State of Texas, and the State Highway Commissions, suit to be brought in either El Paso or Travis Counties, growing out of the construction of a twenty (20) mile strip on State Highway No. 120 and declaring an emergency."

Read third time.

By unanimous consent, the words "El Paso or" were stricken out of the bill.

The bill was finally passed by the following vote:

Yeas—27.

Beck.	Hardin.
Berkeley.	Holbrook.
Cousins.	Hopkins.
Cunningham.	Hornsby.
Gainer.	Loy.
Greer.	Martin.

Moore.	Rawlings.
Neal.	Small.
Oneal.	Stevenson.
Parr.	Thomason.
Parrish.	Woodruff.
Poage.	Woodward.
Purl.	

Absent—Excused.

DeBerry.	Russek.
Patton.	Williamson.
Pollard.	Woodul.

**House Bill No. 457.**

The Chair laid before the Senate on its second reading H. B. No. 457.

On motion of Senator Purl the bills was laid on the table subject to call.

**Senate Bill No. 341.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Purl:

S. B. No. 341, A bill to be entitled "An Act making it an offense for any person to enter any farm, garden, orchard, fruit or pecan grove in this State with the intent to steal or carry away without the consent of the owner, or to aid or assist in stealing or so carrying away, and farm product, garden product, fruit or nuts, growing or gathered; etc., and declaring an emergency."

The committee amendment was adopted.

The bill was read second time.

Senator Hornsby sent up the following amendment:

Amend S. B. No. 341, by striking out the penalty cause and inserting in lieu thereof the following:

"Whoever shall violate the provision of this Act shall be punished by a fine of not less than \$10.00 nor more than \$200.00."

POAGE.

Read and adopted.

Passed to engrossment.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 341 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Cousins.
Berkeley.	Cunningham.

Gainer.	Parr.
Greer.	Parrish.
Hardin.	Poage.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Small.
Loy.	Stevenson.
Martin.	Thomason.
Moore.	Woodruff.
Neal.	Woodward.
Oneal.	

Absent—Excused.

DeBerry.	Russek.
Patton.	Williamson.
Pollard.	Woodul.

Read third time and finally passed.

**Senate Bill No. 616.**

The Chair laid before the Senate S. B. No. 616

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted.

On motion of Senator Gainer the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 616 was put on its second reading by the following vote:

Yeas—25.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Woodruff.
Martin.	Woodward.
Moore.	

Absent—Excused.

DeBerry.	Russek.
Patton.	Williamson.
Pollard.	Woodul.

The bill was read second time and passed to engrossment.

On motion of Senator Gainer the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 616 was put on its third reading and final passage, by the following vote:

Yeas—25.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Woodruff.
Martin.	Woodward.
Moore.	

Absent—Excused.

DeBerry.	Russek.
Patton.	Williamson.
Pollard.	Woodul.

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Martin.	Woodruff.
Moore.	Woodward.

Nays—1.

Loy.

Absent—Excused.

DeBerry.	Russek.
Patton.	Williamson.
Pollard.	Woodul.

**Senate Bill No. 106.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Neal:

S. B. No. 106, A bill to be entitled "An Act creating a Committee to be known and styled 'The Texas Centennial Committee,' Said Committee to be composed of nine members, three of whom are to be appointed by the Speaker of the House, three by the Lieutenant Governor and three by the Governor; providing that said Committee shall be commissioned, shall organize by the elec-

tion of a President, a Vice-President and other necessary officers and employees. That said Committee shall serve without any compensation other than their traveling expenses and hotel bills, and declaring an emergency."

The committee amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 106 was put on its third reading and final passage, by the following vote:

Yeas—25.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Woodruff.
Martin.	Woodward.
Moore.	

Absent—Excused.

DeBerry.	Russek.
Patton.	Williamson.
Pollard.	Woodul.

Read third time and finally passed.

#### Senate Bill No. 234.

The Chair laid before the Senate on its second reading the following bill:

By Senator Moore:

S. B. No. 234, A bill to be entitled "An Act amending Article 198, Title 8, of the Revised Civil Statutes of 1925, changing the said districts therein and creating the 12th Supreme Judicial District; providing for the appointment and qualifications of judges of said courts; providing for the terms and transfer of cases to said new courts; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Moore the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 234 was put

on its third reading and final passage, by the following vote:

Yeas—22.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Poage.
Gainer.	Purl.
Hardin.	Rawlings.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Woodruff.
Moore.	Woodward.

Nays—3.

Greer.	Oneal.
Holbrook.	

Absent—Excused.

DeBerry.	Russek.
Patton.	Williamson.
Pollard.	Woodul.

Read third time and finally passed.

#### Senate Bill No. 259.

The question recurred on S. B. No. 259.

Senator Purl sent up the following amendment:

Amend S. B. No. 259, page 6, by striking out all of line 20, and in line 21 strike out 30,000 in both columns and insert 34,200 in both columns.

PURL.

Read and adopted.

Senator Greer sent up the following amendment:

Amend S. B. No. 259, page 26, line 58 by striking out \$75,600 and inserting in lieu thereof the words and figures \$62,800, and by striking out the figures, \$4200 in line 59 and inserting in lieu thereof \$3600.

GREER.

Read and adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 259 was put on its third reading and final passage, by the following vote:

Yeas—23.

Beck.	Cousins.
Berkeley.	Cunningham.

Gainer.	Parr.
Greer.	Parrish.
Hardin.	Poage.
Holbrook.	Purl.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Woodruff.
Moore.	Woodward.
Neal.	

Absent—Excused.

DeBerry.	Rawlings.
Oneal.	Russek.
Patton.	Williamson.
Pollard.	Woodul.

Read third time and finally passed.

**Senate Bill No. 284.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Hopkins:  
S. B. No. 284, A bill to be entitled "An Act amending Section 1, Chapter 28, Acts of the Second Called Session of the Forty-first Legislature."

The committee report was adopted.  
The bill was read second time and passed to engrossment.

On motion of Senator Hopkins the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 284 was put on its third reading and final passage, by the following vote:

Yeas—24.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Oneal.
Cunningham.	Parr.
Gainer.	Parrish.
Greer.	Poage.
Hardin.	Purl.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Woodruff.
Martin.	Woodward.

Absent—Excused.

DeBerry.	Russek.
Patton.	Williamson.
Pollard.	Woodul.
Rawlings.	

Read third time and finally passed.

**Senate Bill No. 612.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Cousins:

S. B. No. 612, A bill to be entitled "An Act providing for the granting of certain easements to the United States Government in a portion of the present and former bed of Sabine Lake in and adjacent to the Port Arthur Canal and the Sabine-Neches Canal; providing the means and manner thereof; providing exceptions and the purposes thereof; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Cousins the constitutional rule requiring bills to be read on three several days was suspended and S. B. 612 was put on its third reading and final passage, by the following vote:

Yeas—24.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Woodruff.
Martin.	Woodward.

Absent—Excused.

DeBerry.	Rawlings.
Oneal.	Williamson.
Patton.	Woodul.
Pollard.	

Read third time and finally passed.

**Senate Bill No. 568.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Neal:

S. B. No. 568, A bill to be entitled "An Act fixing the maximum amount of fees which all officers can receive under the provisions of the maximum fee bill in counties having a prescribed population, and declaring an emergency."

Read second time.

Senator Purl sent up the following amendment:

Strike out \$8,000, insert \$6,000.  
PURL.

Read and adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and S. B. 568 was put on its third reading and final passage, by the following vote:

Yeas—24.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
Gainer.	Poage.
Greer.	Pollard.
Hardin.	Purl.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Woodruff.
Martin.	Woodward.

Absent—Excused.

DeBerry.	Russek.
Oneal.	Williamson.
Patton.	Woodul.
Rawlings.	

Read third time and finally passed.

#### Adjournment.

Senator Parr moved to adjourn until Monday morning at 10 o'clock.

Senator Woodruff moved to adjourn until 9:30 a. m. Monday.

The motion to adjourn until 10 o'clock Monday, was lost.

The motion to adjourn until 9:30 o'clock Monday prevailed, and at 6:36 o'clock the Senate adjourned.

#### APPENDIX.

##### Petitions and Memorials.

Waco, Texas, April 25, 1931.  
To the Hon. R. S. Sterling, Governor of the State of Texas, and members of the 42nd Legislature:

We, citizens of McLennan County, in mass meeting assembled on the 25th day of April, 1931, respectfully but most urgently request of you the enactment of a law which shall make it illegal for any elective county officer in counties having fewer than 150,000 to receive a salary exceeding the maximum of \$3,600.00 annually, and also, that no appointive employee of the county shall receive an annual salary exceeding \$3,600.00, except by unanimous consent of the County Commissioners Court

This reform has become absolutely necessary to safeguard the home of the average citizen and thus stabilize the State, for the State can not rise to a higher level than the average home.

In devising plans and expedients to give relief to the overburdened taxpayer, it is to be born in mind that "tax shift is not tax reduction."

The most feasible plan to give real relief is to reduce the overhead expenses of the government administration.

Respectfully submitted,  
JNO. STRAUSS,  
Chairman of the McLennan  
County Taxpayers' League.

May 2, a. m. 10:08.

D20 47 DL XU Washington DC.,  
2 1039A.

Hon. Bob Barker, Secretary State  
Senate, Austin, Texas.

Your telegram April twenty-ninth received upon my return to Washington from Kentucky today. Would an address to Texas Legislature on May twelfth be agreeable if I am to consider coming that is earliest date I could reach there because of prior engagements. Please answer.

JOUETTE SHOUSE.

1931 May 2 a. m. 10:49.

D32 78 DL, Washington, DC., 2 1105A.

Hon. Bob Barker, Secretary, Texas  
State Senate, Austin, Texas.

Please convey to Legislature of Texas my profound appreciation of honor extended National Committee by its expressed desire that Mr. Shouse or I visit and address it before adjournment. Have delayed replying until hearing definitely whether Mr. Shouse could reach there in time if he can not I shall earnestly try to make adjustment of my engagements as will enable me to go. Please give assurance to Legislature that nothing could give me more personal pleasure.

NELLIE TAYOR ROSS.

##### Committee Reports.

Committee Room,

Austin, Texas, May 2, 1931.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

H. B. No. 419, A bill to be entitled  
"An Act amending Chapter 7, Title 93, of the Revised Civil Statutes of 1925, as amended by the Acts of



the Regular Session of the 41st Legislature etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

CUNNINGHAM, Chairman.

Committee Room,  
Austin, Texas, May 2, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 615, A bill to be entitled "An Act to give consent to the Legislature to Mrs. Claudie Eubanks and others to sue the State of Texas and/or Highway Commission for damages resulting in the death of Fletcher S. Eubanks; providing the means and manner thereof; prescribing venue; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,  
Austin, Texas, May 2, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

H. B. No. 457, A bill to be entitled "An Act to amend Article 3162 and 3153, Revised Statutes of 1925, relating to contests of nominations for office in primary elections, so as to provide for an appeal to the Court of Civil Appeals from the judgment of the District Court or Judge in all cases of such contests; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, May 2, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 616, A bill to be entitled "An Act giving the consent of the Legislature to Allen Smith, his heirs and assigns, to sue the State of

Texas and/or Highway Commission for damages; providing the means and manner thereof, and venue; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,  
Austin, Texas, May 2, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We your Committee on Agricultural Affairs, to whom was referred

H. B. No. 419, A bill to be entitled "An Act amending Chapter 7, Title 93, of the Revised Civil Statutes of 1925, as amended by the Acts of the Regular Session of the 41st Legislature etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

CUNNINGHAM, Chairman.

By Tarwater. H. B. No. 419.

#### A BILL

#### To Be Entitled

An Act amending Chapter 7, Title 93 of the Revised Civil Statutes of 1925, as amended by Acts of Regular Session of the 41st Legislature by adding the following new Articles numbered as follows: Articles 5736a, 5736b, 5736d, 5736e and 5736f, establishing Babcock test as official dairy test for butter fat; providing for methods of operating said test; providing license for persons operating test; prohibiting wrongful manipulation, fraud and false reading of test; providing method and manner of obtaining samples for tests and for preserving of test samples for certain time; prescribing glassware used in making tests and that the provisions of Chapter 7, Title 93 of the Revised Civil Statutes of 1925, insofar as same pertain, shall be adopted as regards the purchase and sale of cream, milk and butter fat in this State; giving Commissioner of Agriculture right to make tests of bottles, pipettes, etc., to seize and destroy defective ones, and to revoke license of persons operating

Babcock test; providing punishment and penalties for violation of provisions of this Act and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 7, Title 93, of the Revised Civil Statutes of 1925, as amended by Acts of Regular Session of the 41st Legislature be amended by adding new Articles numbered as follows: 5736a, 5736b, 5736c, 5736d, 5736e and 5736f.

(Article 5736a) The Babcock test is hereby adopted as the official dairy test for use in the State of Texas, to be used by every person, firm, association, partnership and/or corporation paying for milk or cream on the basis of the butter fat content of such commodity or commodities, and the method of operating the test shall comply in every detail with the standard rules governing the Babcock test, and the Commissioner of Agriculture is hereby authorized to enforce the correct operation of the Babcock test and to issue all rules and regulations necessary to enforce the provisions of this Act.

(Article 5736b) That it shall be unlawful for any person to operate a milk or cream testing apparatus to determine the percentage of butter fat in milk or cream for the purpose of purchasing same, either for himself or another, without first securing a license from the State Commissioner of Agriculture, who shall issue such license, upon a form prepared by him, upon payment of a fee of One (\$1.00) Dollars for a period of twelve (12) months and said Commissioner or his agents are hereby authorized to make such investigation as he may deem necessary to determine whether the applicant is a reliable person and competent and qualified to operate and use such apparatus and make an accurate test with same. If the applicant is not found to be reliable, competent and qualified the Commissioner of Agriculture may refuse to license him, and said Commissioner is hereby authorized and empowered to revoke the license of any person licensed to make the Babcock test of milk or cream under the laws of the State of Texas, who shall fail to fully comply with the provisions of said laws, or with any of the rules and regulations of the Department of Agriculture relating

to said Babcock test. Said money for licenses shall be turned in by Commissioner of Agriculture to the General Revenue Fund of the State. The testing of each lot of milk or cream by any unlicensed person shall constitute a separate offense under this Act; provided that any licensed person or his employer may for a valid reason, which must in every instance be reported to the Commissioner of Agriculture, appoint a substitute for a period of not to exceed fifteen (15) days, and provided further that such appointment may for a valid reason satisfactory to said Commissioner and subject to his approval be extended for an additional ten (10) days. Any person violating the requirements of this Article shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in subsection (b), Article 5736c.

(Article 5736b) (a) It shall be unlawful for any person, either for himself or another or for any person, firm, association, or corporation either by himself or agent, to falsely manipulate, or under-read or over-read, take inaccurate samples or make any false determinations by Babcock test or any other contrivance used to determine the quantity of fat in milk or cream or value of milk or cream delivered to a creamery, cheese factory, condensary, ice cream plant, milk plant or milk depot, or any other place where milk or cream is purchased, or when sold or purchased. The test shall be clear butter fat, free from sediment, solids, or other foreign substance, and must be read at a temperature of 130°-140°. Cream tests must be weighed and must not be taken except from milk or cream which has been thoroughly mixed by stirring with an instrument suitable for the purpose. The scales must be accurate and sensitive to a weight of thirty (30) milligrams; the tester and owner or owners are jointly responsible for their accuracy. For the purpose of providing official supervision of the operation of the Babcock test in all creameries, condensaries, ice cream plants and milk depots using said test, and all receiving stations conducted for the purchase of butter fat either in the form of cream or milk, the following regulations are

hereby promulgated: (1) That all individuals, corporations and partnerships authorized by license or permit to conduct the Babcock test in the State of Texas shall retain in a cool, clean, sanitary place and in tightly stopped bottles or tightly covered jars the exact, properly labelled samples of cream or milk from which the butter fat test has been conducted, until 6 p. m. of the next test day. (2) Upon such occasion as may be determined wise, the Agricultural Department or its inspectors may order any samples or samples held for a longer period than provided for by these regulations.

(b) Any person violating the provisions of these Articles shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Fifty (\$50.00) Dollars and not more than Five Hundred (\$500.00) Dollars.

(Article 5736d) In addition to the rights and powers given to the Commissioner of Agriculture and his inspectors and agents by the provisions of Chapter 7, Title No. 93, of the Revised Civil Statutes of 1925, as amended by Acts of Regular Session of the 41st Legislature, the said Commissioner, his inspectors and agents are hereby authorized to enter any creamery, cheese factory, building, premises or place where milk, cream and dairy products are handled for the purpose of securing samples and/or checking tests on same, and except as herein provided, all of the provisions of said Chapter and Title shall apply to the purchase of cream, milk and butter fat in this State, and particularly as pertains to the standard of weights and measures received from the United States under a resolution of Congress, approved June 14, 1836, and particularly such new weights and measures as shall be received from the United States or which have been received from the United States as standard weights and measures in addition thereto or in renewal thereof, and such as shall be procured by the State in conformity therewith and certified by the Bureau of Standards.

(Article 5736e) The units or standards of measure of capacity for use in the Babcock test shall be the true cubic centimeter, or the weight

of one (1) gram of distilled water, at four (4) degrees centigrade, and all other units and weights shall be in conformity with the standards prescribed by the United States Bureau of Standards, as aforesaid. The said Commissioner of Agriculture shall from time to time make tests of individual bottles and pipettes used by various persons, firms and corporations in the State in order to ascertain whether the above provisions are being complied with, and shall report any violations found to the Attorney General, County or District Attorney in the county where such alleged violation occurs. All glass ware and/or measuring device found not to be standard in capacity shall be seized and destroyed by the Commissioner of Agriculture or his authorized agent.

(Article 5736f) It shall be the duty of the District or County Attorney of any county in which the provisions of this Act may be violated to make due investigation and prosecute in the Court having jurisdiction of the offense all persons guilty of such violations, and if necessary to file suits to enjoin further violations of this Act.

The fact that there are now no adequate provisions of law regulating the testing of cream, milk and butter fat by purchasers and manufacturers in this State creates an emergency and an imperative public necessity that the Constitutional Rule requiring a bill to be read on three several days be and the same is hereby suspended, and that this Act be in force from and after July 1, 1931, and it is so enacted.

#### SIXTY-FIFTH DAY.

Senate Chamber,  
Austin, Texas,  
May 4, 1931.

The Senate met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Gainer.
Berkeley.	Greer.
Cousins.	Holbrook.
Cunningham.	Hopkins.
DeBerry.	Hornsby.